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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Judgment reserved on: 22.09.2026**Judgment pronounced on: 01.10.2026**Judgment uploaded on: 01.10.2026*# **CNR No. DLHC010196902026**+ W.P.(C) 6127/2026, CM APPL. 30167/2026, CM APPL. 30168/2026 and CM APPL. 30169/2026
POONAM PATWALPetitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh, Ms. Ashna Khan and Mr. Manoj Kumar, Adv.

versus

GOVERNMENT OF NCT OF DELHI AND OTHERS

.....Respondents

Through: Mr. Anand Prakash, SSC along with Ms. Varsha Arya, Adv.

CORAM:**HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE BHARAT PARASHAR****J U D G M E N T****ANIL KSHETARPAL, J.:**

1. Through the present Petition, the Petitioner seeks to assail the order dated 18.12.2025 [hereinafter referred to as 'Impugned Order'] passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'Tribunal'] in O.A. No.2798/2018, whereby her Original Application seeking age relaxation and consequential appointment to the post of Teacher (Primary), Post Code 01/18, in the MCD has been dismissed.



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FACTUAL MATRIX:

2. In order to appreciate the controversy involved in the present Petition, the relevant facts, in brief, are required to be noticed.

3. The Petitioner was born on 27.04.1982 and belongs to the Unreserved category. According to the Petitioner, she has been working as a Guest Teacher with the DoE, GNCTD, since the year 2012. She relies upon the Notification dated 01.11.1980 issued by the DoE under Rule 43 of the Delhi School Education Rules, 1973 [hereinafter referred to as 'DSE Rules']. The Notification dated 01.11.1980 provided for a general relaxation of ten (10) years in the maximum age limit prescribed in the Recruitment Rules for recruitment to various posts of teachers in Delhi Schools for women candidates.

4. The Recruitment Rules governing the post of Teacher (Primary) in the MCD were framed/modified in the year 2011. Under the said Recruitment Rules, the upper age limit for direct recruitment to the post of Teacher (Primary) is prescribed as 30 years. On 07.08.2017, on the request of MCD, the Delhi Subordinate Services Selection Board [hereinafter referred to as 'DSSSB'] issued an advertisement inviting applications for appointment to the post of Teacher (Primary), Post Code 16/17 in the schools run by MCD. The upper age limit prescribed therein was 30 years.

5. The Petitioner approached the Tribunal by filing O.A. No.3258/2017 seeking the benefit of ten years' age relaxation. By order dated 15.09.2017, the Tribunal directed that the Petitioner be



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permitted to participate in the recruitment process. The said Original Application was subsequently dismissed as withdrawn on 10.04.2019. It is the Petitioner's case that, pursuant to the aforesaid interim order, she submitted her application and participated in the recruitment process. As on 15.09.2017, the Petitioner was aged 35 years, 4 months and 19 days.

6. Thereafter, on 26.06.2018, the DSSSB issued Advertisement No.01/18 inviting applications for the post of Teacher (Primary), Post Code 01/18, in the MCD against 4366 vacancies. The upper age limit prescribed for the post continued to be 30 years. The advertisement also stipulated the age relaxations applicable to specified categories, including the relaxation available to contractual teachers of the MCD.

7. The Petitioner approached the Tribunal by filing O.A. No.2798/2018. On 30.07.2018, the Tribunal directed the DSSSB to permit the Petitioner to participate in the selection process. The Petitioner thereafter appeared in the written examination conducted on 28.10.2018. The marks obtained by the candidates were declared on 01.02.2019. The Petitioner secured 123.01 marks and was shortlisted for uploading her e-dossier, the cut-off marks for the Unreserved category being stated to be 117.52 marks. The Petitioner thereafter uploaded her e-dossier within the prescribed period.

8. On 28.03.2019, the DSSSB declared the first result whereby candidates were provisionally selected for appointment to the post of Teacher (Primary) in the MCD. Thereafter, supplementary results were also declared on various dates. On 06.03.2020, the Notification



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dated 01.11.1980 was withdrawn by the competent authority. Subsequently, *vide* Notice No.1258 dated 05.03.2021, the DSSSB directed the Petitioner to submit/upload the certificate regarding her claim for age relaxation.

9. The Tribunal, by the Impugned Order, considered the claim of the Petitioner along with the connected Original Applications. The Tribunal noticed that the Petitioner was the only applicant in O.A. No.2798/2018 who had qualified in the selection process. The Tribunal, however, held that the decision in O.A. No.4202/2025 captioned ***Jyoti & Ors.***, was distinguishable since that case concerned posts advertised by the DoE, whereas the recruitment in the present case concerned posts under the MCD. The Tribunal consequently held that its earlier decision in O.A. No.2775/2018 captioned ***Priyanka Gupta & Ors. v. Govt. of NCT of Delhi & Ors.***, decided on 29.11.2024, was more appropriately applicable to the present case.

10. In particular, the Tribunal relied upon the fact that the MCD recruitment was governed by separate Recruitment Rules and that the Notification dated 01.11.1980 could not be invoked so as to override the Recruitment Rules applicable to the post. The Tribunal further noticed that no substantive challenge to the Recruitment Rules had been made in the Original Application.

11. Aggrieved by the aforesaid order, the Petitioner has approached this Court.



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CONTENTIONS OF THE PARTIES:

12. Contentions on behalf of the Petitioner:

12.1. It was submitted that the Tribunal has erred in denying the Petitioner the benefit of the Notification dated 01.11.1980. According to learned counsel, the said Notification was not withdrawn until 06.03.2020 and, therefore, admittedly remained in force on the date of the advertisement dated 26.06.2018.

12.2. It was contended that the Petitioner had participated in the recruitment process pursuant to the interim order dated 30.07.2018 and had thereafter secured 123.01 marks. It was further submitted that the Petitioner was shortlisted for uploading her e-dossier and that she had secured marks higher than the marks obtained by the last selected candidate in the Unreserved category.

12.3. It was submitted that the subsequent withdrawal of the Notification dated 01.11.1980 on 06.03.2020 cannot retrospectively take away a right which, according to the Petitioner, had accrued to her on the date of the advertisement and/or on the date on which she participated in the selection process.

12.4. Reliance has been placed upon the judgment of the Supreme Court in ***Richa Mishra v. State of Chhattisgarh & Ors.***¹, to contend that a provision granting age relaxation to women candidates would continue to operate notwithstanding its omission from a subsequent set of Recruitment Rules, where the earlier provision continued to be

¹ (2016) 4 SCC 179



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applicable to the recruitment in question.

12.5. Further reliance has also been placed upon the judgment of this Court in ***Gauri Sharma v. Directorate of Education***, W.P.(C) 613/2020, decided on 22.02.2022, in support of the contention that since the Notification dated 01.11.1980 was operative when the recruitment process was initiated, its subsequent withdrawal could not be relied upon to deny the benefit of age relaxation.

12.6. It was further contended that the Petitioner has been working as a Guest Teacher with the DoE since 2012 and that the post of Teacher (Primary) in the MCD is a feeder post for promotion to the post of TGT in the DoE. On this basis, the Petitioner seeks to contend that there is no rational basis to distinguish between teachers working under the DoE and teachers appointed by the MCD.

12.7. It was also submitted that the Petitioner satisfies all educational qualifications prescribed for the post and that her candidature ought not to be rejected merely on the ground of age, particularly when she has already participated in the selection process, secured 123.01 marks and was shortlisted for uploading her e-dossier.

12.8. It is further submitted that several posts of Teacher (Primary) continue to remain vacant in the MCD and that the Petitioner would suffer serious prejudice if she is denied appointment despite having secured marks higher than the last selected candidate in the Unreserved category.



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ANALYSIS & FINDINGS:

13. This Court has carefully considered the submissions advanced on behalf of the parties and perused the material on record.

14. Before examining the rival submissions, it would be apposite to identify the precise controversy arising in the present case. The question is not merely whether the Notification dated 01.11.1980 was formally withdrawn on 06.03.2020. The question is whether the said Notification, issued under Rule 43 of the DSE Rules, could be invoked by the Petitioner for claiming ten years' age relaxation in a recruitment to the post of Teacher (Primary) in the MCD, when the said post was governed by separate Recruitment Rules prescribing an upper age limit of 30 years.

15. The distinction assumes significance having regard to the constitutional scheme governing Municipal Corporations which are autonomous bodies. Municipal Corporations constitute a distinct tier of local self-government under Part IX-A of the Constitution of India. The MCD, therefore, is governed by its own statutory framework and the service conditions applicable to its employees, including the Recruitment Rules governing the post in question. Significantly, the Petitioner does not contend that the Notification dated 01.11.1980 was ever adopted by the MCD or incorporated into the Recruitment Rules governing the post of Teacher (Primary) in the MCD. The mere existence of the said Notification, therefore, cannot by itself establish its applicability to a recruitment governed by the separate Recruitment Rules of the MCD.



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16. The Petitioner has relied upon the fact that the Notification dated 01.11.1980 continued to remain in force until 06.03.2020. This Court may, for the purposes of the present case, proceed on the basis that the said Notification had not been expressly withdrawn on the date on which Advertisement No. 01/18 dated 26.06.2018 was issued. However, the mere fact that the Notification was subsequently withdrawn in 2020 does not answer the anterior question as to whether the said Notification governed the recruitment in question.

17. In this regard, the judgments relied upon by the Petitioner and the decisions subsequently rendered by this Court concerning age relaxation require to be examined with reference to the language of the particular recruitment notification and the source of the claimed relaxation.

18. In ***Delhi Subordinate Services Selection Board & Ors. v. Satish Kumar Meena***, W.P.(C) 2774/2023, decided on 16.03.2026, this Court was considering a recruitment notice issued in the year 2017 for the post of Assistant Teacher (Primary). The recruitment notice itself contained a specific provision granting age relaxation to departmental candidates having at least three years' continuous service in the Government of NCT of Delhi, its local or autonomous bodies. The respondent therein was working on contractual basis in the MCD.

19. This Court, while rejecting the contention that the respondent could claim the benefit only in recruitment undertaken by the MCD, noticed that the recruitment notice itself expressly included employees



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of the GNCTD and its local and autonomous bodies. It was in that specific context that the Court observed that MCD is a local body of the GNCTD and consequently held that the respondent was entitled to the benefit contained in the recruitment notice.

20. A similar approach was adopted by this Court in **Govt. of NCT of Delhi & Ors. v. Neetu Kumari**, W.P.(C) 10696/2024, decided on 28.03.2026. There also, the respondent had participated in the recruitment process as a departmental candidate and the recruitment notice expressly included service rendered in the Government of NCT of Delhi and its local and autonomous bodies for the purpose of the prescribed age concession. This Court followed the decision in **Satish Kumar Meena** (supra) and dismissed the writ petition.

21. The aforesaid decisions, however, do not lay down a proposition that every age relaxation available to employees of the GNCTD necessarily extends to employees or candidates seeking appointment to posts under the MCD. The foundation of those decisions was the specific language of the recruitment notice which expressly included local and autonomous bodies within the class entitled to the relaxation.

22. The present case stands on a materially different footing.

23. Advertisement No. 01/18 dated 26.06.2018, pursuant to which the Petitioner sought appointment, prescribed the upper age limit of 30 years for the post of Teacher (Primary) in the MCD. The advertisement also specified the relaxations which were available to different categories of candidates. The Petitioner does not point to any



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provision in the said advertisement which extends the ten-year relaxation contained in the Notification dated 01.11.1980 to candidates seeking appointment to the MCD post.

24. The Petitioner instead seeks to travel outside the Recruitment Rules and the advertisement and import into the present recruitment the benefit contained in the Notification dated 01.11.1980.

25. It is here that the judgment of the Supreme Court in ***Delhi Subordinate Services Selection Board & Anr. v. Seema Kapoor***, Civil Appeal No. 4461/2021, decided on 22.07.2021, assumes relevance, albeit in a different factual context.

26. In ***Seema Kapoor*** (supra), the Supreme Court was considering the claim of a Teacher (Primary) employed in the South Delhi Municipal Corporation for age relaxation in a direct recruitment to the post of PGT (English) Female. The relevant recruitment provision granted relaxation to Government servants and departmental candidates. The Supreme Court held that an employee of the Municipal Corporation, being an autonomous body established under a statute, could not claim such relaxation merely by treating herself as a Government servant or departmental candidate. The Court further held that the existence of a promotional channel under the Recruitment Rules did not convert the employee of the Municipal Corporation into a departmental candidate for the purpose of direct recruitment.

27. The principle which emerges from ***Seema Kapoor*** (supra), relevant for present purposes, is that an age relaxation attached to a



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particular class of candidates or to a particular recruitment cannot be enlarged beyond the language of the provision which grants such relaxation. The fact that two establishments may have an administrative relationship, or that one establishment may be a local or autonomous body, does not by itself enlarge the class of candidates entitled to a particular age concession.

28. The same principle is applicable here. The Petitioner cannot establish her entitlement merely by demonstrating that the Lieutenant Governor had issued the Notification dated 01.11.1980 or that the MCD is a local body within the National Capital Territory of Delhi. What is required to be demonstrated is that the said Notification continued to govern the particular recruitment to the MCD post notwithstanding the separate Recruitment Rules applicable to that post.

29. The Petitioner has not been able to demonstrate the same.

30. The Notification dated 01.11.1980 was issued under Rule 43 of the DSE Rules. The MCD post, however, is governed by its own Recruitment Rules. Those Recruitment Rules prescribe an upper age limit of 30 years for direct recruitment. The advertisement dated 26.06.2018 was issued in accordance with the said Recruitment Rules.

31. Therefore, the question is not whether the Notification dated 01.11.1980 continued to exist until 06.03.2020. The question is whether that Notification had the effect of overriding or modifying the Recruitment Rules governing the MCD post. No such provision has been shown to this Court.



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32. The Petitioner cannot derive such a consequence merely from the fact that the Notification had not been expressly withdrawn. An executive instruction issued in one statutory or regulatory context cannot automatically be treated as governing every recruitment conducted within the territorial or administrative jurisdiction of Delhi, particularly when the post in question is governed by a distinct set of Recruitment Rules.

33. The distinction becomes still more significant because the MCD Recruitment Rules were approved by the competent authority and specifically prescribed the maximum age for the post. The recruitment authority was consequently required to process applications in accordance with the applicable Recruitment Rules.

34. This Court may also notice that the very interim order dated 30.07.2018 passed by the Tribunal did not finally declare that the Petitioner was entitled to the ten-year relaxation. The Tribunal, at the interim stage, merely permitted the applicants who had not crossed the age of 40 years to participate in the recruitment process. The participation was thus subject to the final determination of their entitlement.

35. It is well settled that participation in a selection process pursuant to an interim order does not, by itself, create a substantive right to appointment. The interim order enabled the Petitioner to participate so that her claim could be adjudicated without rendering the proceedings infructuous. It did not finally decide the question of her eligibility.



36. The Petitioner's subsequent participation in the examination, therefore, cannot operate as a source of eligibility. Her securing 123.01 marks also cannot alter the governing eligibility condition.

37. The Petitioner has sought to rely upon the fact that she obtained marks higher than the last selected candidate in the Unreserved category. Such comparison is of no assistance once the Petitioner fails to establish her eligibility for the post. Merit in a selection process can operate only amongst candidates who fulfil the prescribed eligibility conditions.

38. The Petitioner's reliance upon ***Richa Mishra v. State of Chhattisgarh & Ors.***² also does not alter the position.

39. In ***Richa Mishra*** (supra), the Supreme Court was dealing with a statutory rule which itself provided the benefit of ten years' age relaxation to women candidates in the relevant State services. The applicability of that statutory provision to the recruitment in question was established. The judgment, therefore, cannot be read as laying down that an age relaxation contained in an executive instruction issued in relation to a particular regulatory framework necessarily overrides separate Recruitment Rules governing another establishment.

40. The source and applicability of the relaxation are thus material. In the present case, the Petitioner has not established that the Notification dated 01.11.1980 formed part of, or was adopted by the MCD.

² (2016) 4 SCC 179



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41. The reliance upon **Jyoti** (supra) therefore, is also misplaced. As correctly noticed by the Tribunal, the said decision concerned recruitment to posts under the DoE. The present recruitment concerns the MCD. The distinction is not merely one of nomenclature; it arises from the separate Recruitment Rules governing the respective posts and the identity of the user department.

42. The fact that the Petitioner herself was working as a Guest Teacher with the DoE does not make the position any different. Her status in the DoE cannot determine the eligibility conditions for a separate post in the MCD. The recruitment has to be tested with reference to the rules governing the post to which appointment is sought.

43. The Petitioner's further contention that the MCD Teacher (Primary) post is a feeder post for promotion to the post of TGT in the DoE also cannot result in the two services being treated as one and the same service for the purpose of direct recruitment. As explained by the Supreme Court in **Seema Kapoor** (supra), the existence of a promotional relationship or channel under Recruitment Rules does not, by itself, alter the character of a direct recruitment or enlarge the entitlement to an age relaxation.

44. The decisions in **Satish Kumar Meena** (supra) and **Neetu Kumari** (supra) do not lead to a contrary conclusion. Those decisions turned upon the express language of the recruitment notice itself, which specifically included service in the GNCTD and its local and autonomous bodies within the category entitled to the age concession.



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No comparable provision extending the ten-year relaxation under the Notification dated 01.11.1980 has been shown to exist in Advertisement No. 01/18 in the present case.

45. Consequently, the mere description of MCD as a local body of the GNCTD cannot, in the absence of an express provision extending the claimed relaxation, result in the ten-year relaxation under the 1980 Notification being imported into the MCD Recruitment Rules.

46. This Court, therefore, finds that the Tribunal has correctly appreciated the distinction between the DoE and the MCD recruitment and has rightly found the decision in **Priyanka Gupta** (supra) to be applicable to the present case.

47. The Petitioner's challenge based upon Articles 14 and 16 of the Constitution also cannot succeed. The Petitioner has not demonstrated any similarly situated class which has been denied a benefit available under the very same Recruitment Rules. A distinction founded upon the separate Recruitment Rules applicable to different establishments cannot, in itself, amount to hostile discrimination.

48. Similarly, the existence of vacancies in the MCD or the alleged shortage of Primary Teachers cannot confer eligibility upon the Petitioner. Administrative necessity cannot substitute the statutory or regulatory eligibility conditions prescribed for appointment to a public post.

49. Likewise, the fact that other candidates may have been appointed subsequently does not create a right in favour of the



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Petitioner. The legality of the Petitioner's candidature has to be examined with reference to the recruitment in which she participated and the rules applicable thereto.

CONCLUSION:

50. In view of the aforesaid discussion, this Court finds no error in the conclusion reached by the Tribunal that the Petitioner was not entitled to claim the benefit of the Notification dated 01.11.1980 for the recruitment to the post of Teacher (Primary) in the MCD pursuant to Advertisement No.01/18.

51. Consequently, the challenge to the Impugned Order dated 18.12.2025 fails. The Tribunal has correctly appreciated the distinction between the recruitment conducted by the DoE and the recruitment conducted for the MCD and has rightly declined to extend to the Petitioner a relaxation which is not borne out from the Recruitment Rules or the terms of Advertisement No. 01/18.

52. Accordingly, the present Writ Petition, along with the pending applications, is dismissed.

ANIL KSHETARPAL, J.

BHARAT PARASHAR, J.

OCTOBER 01, 2026

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